

APPROVED: Meeting No. 11-94

ATTEST: *Paula D. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 06-94

February 14, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 14, 1994, at 7:30 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Romer informed the Mayor and Council that the City had successfully come through the last several days of adverse weather conditions; all of City's systems, employees and equipment worked well. Mr. Romer said numerous compliments were received about Rockville employees' efficient handling of operations during the snow and ice storms.

2. Rockville's Cable "Cityscape" series was running a program on the entire issue of violence and the End Violence Now Campaign. The program guests were Councilmember Dorsey, Margit Meissner, Reverend Mansfield Kaseman, and Police Chief Treschuk.

3. On February 24, the City was holding the second "Rockville Day in Annapolis," a joint effort sponsored by the City, the Chamber of Commerce and private businesses to help foster and increase the State representatives' level of awareness about the City.

Re: Presentation of Certificate of Appreciation to Steven Michael Selzer, Rockville Author of *"Life's Little Relaxation Book"* for donating the book's proceeds to cancer research.

The Mayor and Council presented Mr. Selzer with a Certificate expressing appreciation for the author's donation of the book's proceeds to cancer research. Mr. Selzer, who will be featured on News Channel 4 at 6 am on February 15th, told how he developed the idea for the book and presented an autographed copy of the book to the Mayor and Council.

Re: Proclamation declaring the months of February and March, 1994 as **SAFETY BELT AND CHILD SAFETY SEAT AWARENESS MONTHS.**

The City of Rockville Police Department is participating in the 1994 Maryland Chiefs' Challenge Campaign to raise citizen awareness on the use of safety belts and child seats.

Councilmember Krasnow read the Proclamation. She explained that 25 years ago, her husband's father had started the first seat belt company in America, "The American Safety Equipment Corporation" and in 1964, was named "Safety Father Of The Year." She said that safety belts have always been an important part of her family's life. Upon motion of

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Councilmember Krasnow, duly seconded and unanimously passed, the Proclamation was passed. Officer Paul, Campaign Co-Coordinator for the City of Rockville, accepted the Proclamation. The full text of the Proclamation can be found in Mayor and Council's File No. 7.

Re: Raffle Ticket Drawing for the winner of
"An Evening at Glenview."

Civic Center Superintendent and Emcee of the drawing, Bob Giesy, noted the sponsors of the contest: Uptown Caterers, National Transportation, Gene's Florist, and Washington Talent Agency, who had also presented some tokens to the Mayor and Council.

A "pre-drawing" was held and resulted in Councilmember Marrinan being chosen to draw the winning raffle ticket. The winner of the raffle drawing, Rockville Little Theater, will receive a private dinner party for 10 persons, which includes limousine service, flowers, and a disc jockey. The proceeds of raffle ticket sales will be deposited in the Mansion Fund for the purpose of funding on-going refurbishment at Glenview Mansion.

Re: Citizens Forum

1. Stan Klein, 7 Lorre Court said while he originally would have liked to see a convention center in Town Center, he now felt that a more optimum location for a convention center would be the Irvington Farm property because it was in the middle of the high-tech community, within easy access to Rt. 270, the light rail could provide mass transit services for a convention center, and there were at least five hotels located within a reasonable distance of the site.

2. William Meyer, 804 Leverton Road inquired when the COG Cabin John Study would be released. Mr. Romer said there would be a public informational meeting on March 24th

at 7:30 p.m. on the Cabin John study and representatives from COG would be presenting their findings at that time.

Regarding Agenda Item No. 12, the abandonment of Fleet Street, Mr. Meyer asked if the \$100,000 received from Marlo would only be used for engineering services. Mr. Meyer said when the CIP was discussed, the Mayor and Council should consider doing the entire stretch of Fleet Street to Ritchie Parkway and not just the section in front of Marlo Furniture. He said this was a major link to the downtown section and would get traffic out of the residential neighborhoods.

Councilmember Krasnow responded that \$60,000 would go towards engineering services and \$40,000 would go towards construction. Mr. Romer added that although a final decision would be up to the Mayor and Council, he was confident that he would be recommending that the City accelerate the project. He said the City was taking advantage of funding that was currently available from Marlo to finance the project.

Regarding Agenda Item No. 15, Mr. Meyer said he did not know how many properties currently in the City or planned for annexing into the City, were on septic systems; however, he felt that a mechanism for inspecting septic systems was needed. Mayor Coyle noted the topic was scheduled for discussion under New Business and Mr. Romer would address the issue.

3. Mansfield Kaseman, 704 Carter Road thanked City staff for clearing the roads during the recent inclement weather. He also noted his personal experience of having to call the City's emergency number when a water pipe in his home burst; he said staff was very responsive and he suggested that the emergency number be well-publicized.

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Mr. Kaseman also reported that Community Ministries of Rockville's Valentine's dance was canceled due to the weather but had been rescheduled for February 25, 1994.

Lastly, Mr. Kaseman said he noticed that the Text Amendment regarding places of worship was back before the Mayor and Council, and he was pleased that a compromise had been worked out.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Richard Stoner was appointed to the Economic Development Council.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, B. Mayo Robertson was appointed as Chairperson of the Human Rights Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Janet Reed was appointed as Tenant/Alternate to the Landlord-Tenant Affairs Commission.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, Dirk Schenck was reappointed to serve on the Recreation and Park Advisory Board.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, John Marzilli, Mark Sampson, Susan Sima Lieberman were appointed to serve on the Science, Technology & Environment Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Herbert Pennock was reappointed to serve on the Traffic and Transportation Committee.

Re: Approval of Minutes

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed,

with Councilmember Weisbroth abstaining, the Minutes of Meeting No. 02-94 (January 18, 1994) were approved.

Re: Consent Agenda

Councilmember Marrinan requested removal of Item C. Upon motion of Councilmember Dorsey, duly seconded, and unanimously passed, the following Consent Agenda Items were approved:

- A. Award Bid #57-94 and authorize the City Manager to execute a contract for engineering services for the design of Fleet Street Extended between Richard Montgomery Drive and "old" Ritchie Parkway, to A. Morton Thomas of Rockville, for their proposal of \$59,780.

Engineering estimate is \$65,000 for this work. The developer, Marlo Furniture, has provided \$100,000 which will be used in part for these engineering services.

- B. Introduction of Ordinance to Grant Text Amendment Application TXT93-0141, Mayor and Council of Rockville, Applicant.

Amendments to the Zoning Ordinance to transfer all of the Board of Appeals application processing functions from the City Clerk to the Department of Community Development.

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Re: Item C: Receipt of financial reports summarizing the results of City operations for the period from July 1, 1993, through December 31, 1993.

Councilmember Marrinan requested the removal of Item C and commented that as the City entered into its FY95 budget discussions, it was important to note that there had been a \$529,000 shortfall of property taxes generated from the commercial community. He pointed out that this was a major source of concern to the Mayor and Council, and he wanted residents to understand the long term problem facing the City. Mr. Marrinan stated that as redevelopment of downtown occurred, it would take approximately 3-4 years for the assessments from downtown properties to regenerate revenue for the City, and he stressed that everyone would have to work together.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the financial reports summarizing the results of City operations for the period from July 1, 1993, through December 31, 1993, were received.

Re: Approval of proposed name for the new downtown City park located at the Beall's Grant Apartments, which is being constructed by the Montgomery Housing Partnership, Inc. The .43 acre public park will be leased to the City under an agreement with MHP. The proposed name is "Kinship Park."

Recreation and Parks Director Burt Hall introduced Tad Baldwin, President of the Montgomery Housing Partnership and project manager for the Beall's Grant Apartment Project who gave a presentation about the design of the park and answered questions from the Mayor and Council.

Recreation Park Advisory Board member Dirk Schneck explained that the name was proposed by students from The Other Way School, located in the Beall's Grant community. The name had been unanimously approved by the Recreation and Park Advisory Board and the Montgomery Housing Partnership Board. He introduced Student Tina McIntire, and Program Manager John Boston. (Other students involved in the project but not present were D.J. Merson and Gerri Pearson).

Councilmember Krasnow commented that "Kinship Park" was a wonderful name which would create a sense of community; she said she was not familiar with The Other Way School but was pleased to learn about it and was delighted that the students would take over the upkeep of the park. Mayor Coyle asked that the school be involved in helping to organize a dedication program.

Councilmember Weisbroth said she was pleased that the program was located in Rockville. She said in looking up the word "kinship" in the dictionary, she found the definitions of "family relationships and "close connections" and she said the name was wonderfully representative of Rockville; she thanked the students for the work they did.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the recommendation to name Kinship Park was approved.

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Re: Adoption of Ordinance to Grant
Text Amendment Application T-
139-93, Rockville Planning
Commission, Applicant.

Amendment to the Zoning
Ordinance so as to eliminate
convents, monasteries, parish
houses and parsonages as
permitted uses in residential
zones, and provide for such
facilities as accessory uses to a
place of worship.

Ordinance No. 03-94

Mr. Romer noted that the Mayor and Council had discussed this matter at length and had asked a number of questions that staff addressed in the report. The ordinance before the Mayor and Council, which was the result of a certain amount of compromise and a lot of work in putting together the concerns of various interested parties, also provided for a new way of treating the off-site accessory uses related to places of worship.

Councilmember Weisbroth commented that staff did a good job of putting the compromise together; she said it offered residential communities a great deal of protection as well as affording opportunities to users of the facilities.

Planning Director Larry Owens explained that after discussion with the Mayor and Council, the applicability of the accessory use provision was broadened. He said when the application was originally filed, the accessory use to a place of worship would have only been permitted on the same record lot as the place of worship. After the hearing and discussion with the Mayor and Council, that definition was expanded by providing that the accessory use could

also be located on a adjacent contiguous lot; this expanded the applicability for those places of worship that did have property immediately next door and in doing so, it did not compromise the Planning Commission's original intention to keep the accessory uses as concentrated uses, or immediately adjacent to, the parent institution.

Councilmember Krasnow said she was pleased that Reverend Kaseman spoke in favor of the compromise measure; it was important that the term "convents, monasteries, parish houses and parsonages" were really not defined uses which left a lot open to question. Ms. Krasnow said when these type of cases came before the City, a special exception would have to be applied for and she hoped that the neighborhoods would really consider what is being asked for and not block some of the accessory uses. Mayor Coyle commented that a better job would have to be done in order to educate neighbors about the importance of those accessory uses in the community.

Councilmember Dorsey emphasized that the amendment does not change the status of a church or other place of worship, it would remain a permitted use. He said the depth of the technical discussion that had taken place, had residents concerned that it was somehow changing the uses when it was actually clarifying the language. Councilmember Dorsey noted typos on page 1 and 4 of the ordinance.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the ordinance granting Text Amendment Application T-139-93, was adopted. The full text of the ordinance can be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Ordinance to Grant
Application to Close and Abandon
Public Way SCA-61-90, Dominic
Antonelli, Jr., Applicant.

Abandonment of an unused portion of Ritchie Parkway right-of-way between Rockville Pike and Fleet Street.

Ordinance No. 04-94

Mr. Romer said that staff had reviewed the 1990 public hearing and the current staff report dealt with issues raised at that public hearing which were now moot as they pertained to the construction of Wootton Parkway. He said all concerns raised at the public hearing had been addressed; other concerns were embodied in the recommendation for abandonment, along with recommendations with conditions from the Planning Commission. He said staff's report also defined the definition of abandonment.

Councilmember Krasnow expressed concern about adopting the ordinance this evening; she said that Hungerford/Stoneridge resident Eleanor Northway, expressed plans to make a presentation on the issue and she noted that Ms. Northway was not present. Ms. Krasnow said the abandonment was unusual in that the same property owner was on either side of the road and the shopping center would be expanded southward. She asked if the road, currently used for two-way traffic, was a City road available for development, or if it was being abandoned as well.

Mr. Owens explained that the road was a temporary driveway on private property and was not intended to stay in that particular configuration; however, he said there was potential that an entryway into the new development could occur in approximately that same location from Wootton Parkway.

Mrs. Krasnow said it appeared as if the sidewalk currently on Old Ritchie Parkway would have to be maintained, or, at least a pedestrian easement. She said if the shopping center

was expanded southward, it did not seem to make sense to have a sidewalk in the middle of a parking lot. Mr. Owens explained that when the original application was reviewed by the Planning Commission and by Mayor and Council, there was concern that there was a pedestrian route of travel that had already been established in the particular location and to block that and create a more circuitous pedestrian travel route was thought to be undesirable which would have had pedestrians going out onto Fleet Street and up Wootton Parkway. It was concluded that the pedestrian way should be provided for at least in approximately that location by providing an easement. Mr. Owens said there will be an existing walkway which would remain and placed in an easement. In some future development, it may be the pedestrian way may follow a similar path or if a better location and design came about with future development, it was conceivable an easement could be moved and relocated. It is also possible based on some inquiries staff have received, that the vacant piece of property would develop independently from the shopping center; if that should occur, the walkway would probably remain in its present location.

Councilmember Krasnow said the current driveway in front of the 7-Eleven Store has always been a safety concern as people turned right out into the intersection; she said the City had added stop signs to control the traffic flow at the intersection; however, she asked if there was a possibility, once future Fleet Street was built, that the City could mandate the closing of that particular driveway and move it onto Fleet Street.

Mr. Owens responded that there was little that could be done, however, when new development came forward through the use permit or subdivision process, the City would have an opportunity to review all matters related to site improvements and ingress and egress to the site.

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Councilmember Krasnow asked that a note be made to this effect; she said she felt a dangerous intersection was created at the site. Ms. Krasnow also asked that the issue of a light at Fleet Street and the new Wootton Parkway be studied if traffic volumes increased.

Councilmember Marrinan said from his review of Attachment Number 7 of the ordinance, there was indication that on the future Fleet Street, there would possibly be another entrance created close to the corner of Old Ritchie and new Fleet Street, and he understood the current exit and entrance would be closed. Mr. Owens explained that the driveways shown on the old site plan were possible future entrances and closures on Ritchie Parkway; there was no obligation on the part of the property owner to construct them; he said it would be the initiation from the property owner to take advantage of the new driveways because of the enhanced access to the Ritchie Center from Fleet Street once it was constructed.

Mayor Coyle suggested that staff look closely at the right-hand turn after entering onto Wootton Parkway because having people turning right after a sharp turn off of Rockville Pike could result in a hazardous situation. He said a service road, which was part of the City's Rockville Pike Redevelopment Plan, would be more practical and safer than turning right and he asked that this be looked at in the future.

Councilmember Krasnow commented that while it was logical to abandon the street, she suggested putting adoption of the ordinance off until the February 28 General Session to give Hungerford/Stoneridge residents a chance to comment.

Steve Elmendorf said his law firm represented Mr. Antonelli in the original abandonment application and had now been retained by the current owner working through a company called Baily Realty, the management company. He said while postponing the matter for

two weeks would not be fatal, the property owners were close to being able to put together a sale of the vacant piece and the shopping center; the abandonment was currently holding the sale up because the potential buyer would like that contingency eliminated before a sales contract was signed. He said the ability to develop the vacant piece was greatly enhanced by the elimination of the right-of-way area. Mr. Elmendorf said while he did not want to preclude Hungerford/Stoneridge residents from commenting further, they had participated at the earlier public hearing and their concerns regarding pedestrian access had been addressed. He asked that the Mayor and Council adopt the ordinance this evening.

Mayor Coyle said he recollected the concerns were regarding pedestrian issues and the issue raised by Councilmember Krasnow about how the Fleet Street intersection was going to be handled. He noted that there was a lot of input at that time and he suggested the ordinance be adopted and that staff get back to Ms. Northway to encourage the residents to keep abreast of the development of the property.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance granting an application to Close and Abandon Public Way SCA-61-90, was adopted. The full text of the ordinance can be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Resolution to Enlarge the Corporate Boundaries of the City of Rockville, Annexation Petition ANX93-0117, Joseph A. Lynott, Attorney for 649 Joint Venture, Petitioner.

To enlarge the corporate boundaries by annexation of a

19,406 square foot parcel of land
located at the terminus of Mason
Drive, north of Southlawn Lane.

Resolution No. 03-94

Councilmember Weisbroth asked for clarification on the provision in staff's report that the abandonment of the Mason Drive right-of-way had not been executed at this time. Mr. Owens explained that Envelopes Unlimited owned most of the properties on both sides of Mason Drive and following an earlier annexation, a request was received to abandon Mason Drive as a public right-of-way and for it to revert to a private roadway to serve the Envelopes Unlimited complex. As part of the approval for the abandonment, the owner was required to establish easements for utilities and to provide access rights to another private property owner. Mr. Owens said while the abandonment was approved, the easements that were prerequisites to actual recordation of the abandonment, had still not been approved. Until the final easements were approved and recorded, the abandonment while approved, was not implemented. Mr. Owens noted that this would have no impact on the Mayor and Council's action this evening.

Councilmember Weisbroth asked whether or not the parcel would have public street access after Mason Drive was abandoned and she asked if that presented problems in the future. Mr. Owens said the intention was to make it part of the other parcels. When a use permit application came forward to utilize the new parcel, one of the requirements was that it be assembled with the adjoining parcels and brought together.

Councilmember Krasnow asked if this was the same parcel of land where access was needed for a cemetery plot. Mr. Owens responded that the other use was the Kendall property and

located therein, was an old family cemetery plot which would be guaranteed access by means of easements.

Following up on Councilmember's Weisbroth's point, Ms. Krasnow said that since the roadway abandonment had not gone through, and expansion plans were moving ahead, she wanted to be sure that no access would be blocked to the Kendall property. Mr. Owens said that the recordation of easements and plats would have to come together first before any future development or use of the land could take place.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Resolution enlarging the corporate boundaries by annexation of a 19,406 square foot parcel of land was adopted. The full text of the resolution can be found in Resolution Book No. 10 of the Mayor and Council.

Re: Introduction of Ordinance to
Amend Zoning Map - Annexation
Petition ANX93-0117, Joseph A.
Lynott, Attorney for 649 Joint
Venture, Petitioner.

To establish I-1, Service Industrial
zoning upon annexation of a
19,406 square foot parcel of land
located at the terminus of Mason
Drive, north of Southlawn Lane.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance amending the Zoning Map for Annexation Petition ANX93-0117, was introduced.

Re: Adoption of Resolution to Enlarge
the Corporate Boundaries of the
City of Rockville, Annexation
Petition ANX93-0118, Josef and
Malgorzata Pilch, Petitioners.

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To enlarge the corporate boundaries by annexation of a single 1.071 acre residential property located at 9304 Viers Drive.

Resolution No. 04-94

Regarding the issue of septic systems, Mr. Romer said the number of on-site water and sewer systems was extremely small given the size of the City; he said the vast majority of properties were served by public water and sewer and that the next step would be for staff to continue to identify those properties and to think of what long-range strategies might be appropriate for making public water and sewer services available on a case-by-case basis.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Resolution enlarging the corporate boundaries by annexation of a single 1.071 acre residential property was adopted. The full text of the resolution can be found in Resolution Book No. 10 of the Mayor and Council.

Re: Introduction of Ordinance to Amend Zoning Map, Annexation Petition ANX93-0118, Josef and Malgorzata Pilch, Petitioners.

To establish R-E, Residential Estate zoning upon annexation of a single 1.071 acre residential property located at 9304 Viers Drive.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the ordinance to amend the Zoning Map for Annexation Petition ANX93-0118, was introduced.

Re: FYI/Correspondence

1. Councilmember Marrinan complimented staff on the proposal to install additional light fixtures on Dundee Road.

2. Councilmember Krasnow thanked staff for applying to EPA for a grant for oil grit separator maintenance; she asked to be kept informed of the success of getting such a grant.

Regarding FYI Item #8, Ms. Krasnow commented on Mr. Romer's participation in a world net television conference on municipal financial issues.

3. Mayor Coyle noted FYI Item #4 and said it was an honor for the City that Public Works Director Bob Goodin was asked to serve on an Advisory Committee Deferred Maintenance group. Mayor Coyle referred to the FYI Report from 1/27/94 and said the Mayor and Council would be looking at the City's policies regulating towing companies. Also in the 1/27 FYI Report, Mayor Coyle noted the Gazette advertisement placed by residents of the Blandford Apartments thanking City staff, Ed Duffy, Flo Ritter and others for their assistance in getting a rent increase revised.

4. Councilmember Marrinan reported on an action by the Council of Governments Board of Directors. The Board passed a resolution adopting a report of the Human Services and Public Safety Policy Committee on regional anti-violence goals and recommendations. He said the report was an extensive effort of what communities needed to do about violence and also addressed immediate and long term goals in the areas of enforcement, education and treatment of substance abuse problems.

Re: New Business

1. Councilmember Weisbroth commented on the renovation of Congressional Plaza and the groundbreaking that took place on February 16th; she commended the Planning Commission on

maintaining the berm along Rockville Pike and the City's other landscaping goals for the Pike.

2. Councilmember Krasnow noted in the Recreation and Parks Advisory Board minutes, a motion was passed to separate Rockville Day from the Antique Car show; she asked that staff provide follow-up information on this.

Councilmember Krasnow encouraged citizens to attend the County's CIP hearings on February 15th; one issue being addressed by the County was the expansion of the jail.

3. Councilmember Dorsey announced that he had attended a kickoff for the March of Dimes Walk-a-thon; he encouraged residents to attend the Walk-a-thon scheduled for April 24, 1994.

4. Mayor Coyle suggested that members of the Council submit their comments regarding outreach efforts for Boards and Commissions to Mr. Romer.

Re: Next Meeting

The next meeting of the Mayor and Council is a General Session scheduled for Monday, February 28, 1994.

Re: Adjournment to Executive Session

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Mayor and Council adjourned at 9:22 p.m. to reconvene immediately in Executive Session, pursuant to Section 10-508(a)(4) and (7) of the State Government Article, Annotated Code of Maryland, to consider a proposal for a business to remain in the City; to consider a proposal for a business to expand in the City, and to obtain legal advice from counsel regarding these proposals.